

1647

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

HÖTTEN et al.

Serial Number: 09/386,450

Filed: August 31, 1999

For: NEW GROWTH/DIFFERENTIATION FACTOR OF THE TGF- β FAMILY



Group Art Unit: 1647

Examiner: D. Romeo

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RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Washington, D.C. 20231

September 1, 2000

Sir:

In the Office Action mailed August 1, 2000, a restriction requirement was made.

The Patent Office requires restriction to one of the following four groups of claims:

- Group I: Claims 5, 6, 8, 9, 13-15, 18, 21-24, drawn to a polypeptide and compositions comprising same, classified in class 530, subclass 350.
- Group II: Claims 16, 17, drawn to methods of treatment comprising administering a polypeptide, classified in class 514, subclass 12.
- Group III: Claims 10, 19, 20, drawn to an antibody that binds a polypeptide, classified in class 530, subclass 387.1.
- Group IV: Claims 2-4, 7, drawn to a polynucleotide encoding a polypeptide, classified in class 435, subclass 69.1.

In response, Applicants hereby elect Group I, claims 5, 6, 8, 9, 13-15, 18, and 21-24, with traverse.

Applicants respectfully submit that the claims of non-elected group I, claims 16 and 17, which are directed to a method of administering the protein according to elected claim 13 of Group I, will eventually have to be rejoined to the claims of elected Group I pursuant to Manual of Patent Examining Procedure Section 821.04. In the event of a rejoinder, the rejoined process of claims will be fully examined for patentability. Thus, in order to reduce the burden on the Patent Office of having to first search and examine the claims of Group I and then later search and examine the claims of Group II, Applicants respectfully submit it would be expeditious to search the claims together. Thus, Examining the claims of Groups I and II together rather than being an undue burden would lessen the burden.

For at least these reasons, it is respectfully requested that the claims of non-elected Group II be searched and examined together along with the claims of elected Group I. Early and favorable examination are respectfully solicited.

Should the examiner have any questions regarding this election, the Examiner is requested to contact Applicants' undersigned representative at the telephone number listed below.

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In the event this paper is not being timely filed, Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 01-2300.

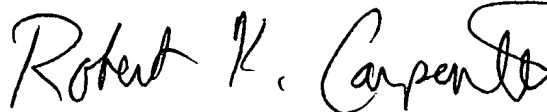
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Respectfully submitted,

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Atty. Docket No. P100564-9022

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